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October 7, 2009

PUBLIC UTILITIES
COMMISSION

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The Honorable Chairman and Members
of the Hawaii Public Utilities Commission
Kekuanaoa Building, First Floor
465 South King Street
Honolulu, Hawaii 96813

Dear Commissioners:

Subject: Docket No. 2008-0083 – Hawaiian Electric 2009 Test Year Rate Case
The Parties' Agreement to the Panel Hearing Format

Hawaiian Electric Company, Inc. ("Hawaiian Electric") files this response on behalf of the "Parties" to this proceeding (i.e., the Division of Consumer Advocacy of the Department of Commerce and Consumer Affairs, the Department of Defense and Hawaiian Electric). The Parties agree to the panel hearing format described in the Commission's September 28, 2009 letter¹ on the hearing for the Hawaiian Electric 2009 test year rate case, in light of the steps proposed by the Commission to preserve the due process rights of the Parties.² The Parties understand that the questions on the settled issues would be asked by or on behalf of the Commission. If adverse testimony is elicited with respect to a settled issue, however, the Parties would reserve their rights to conduct cross examination or redirect, as the case may be.

Very truly yours,

cc: Division of Consumer Advocacy
Dr. Kay Davoodi, Department of Defense
James N. McCormick, Department of Defense
Theodore E. Vestal, Department of Defense

¹ The September 28, 2009 letter was served by mail. The letter requested a response within seven days. As §6-61-21(e) of the Hawaii Administrative Rules allows two days to be added to the prescribed period, the due date for filing a response to the letter is October 7, 2009. Therefore, this response is timely filed.

² In its letter, the Commission stated that the Parties (1) will be allowed additional latitude to summarize and present their pre-filed written testimonies on Disputed Issues, (2) will be allowed to conduct cross-examination on Disputed issues prior to Commission questioning, and (3) when the Commission has completed its questions, will have their customary opportunity to conduct cross examination and redirect, if they have not already done so with respect to Disputed Issues.